

Message Text

CONFIDENTIAL

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ACTION OES-04

INFO OCT-01 NEA-09 IO-10 ISO-00 FEA-01 ACDA-05 CIAE-00

INR-07 L-02 NSAE-00 NSC-05 PM-03 DODE-00 SS-15 /062 W

----- 051639

R 141713Z FEB 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 5501

INFO AEC GERMANTOWN

AMEMBASSY NEW DELHI

C O N F I D E N T I A L IAEA VIENNA 1360

E.O. 11652: GDS

TAGS: IAEA, TECH, PARM, PFOR, IN, US

SUBJECT: SUPPLY OF SMALL QUANTITIES OF NUCLEAR MATERIALS
TO INDIA THROUGH IAEA

REF: STATE 027752

1. IN ADDITION TO REQUESTS MENTIONED REFTTEL, MISSION FORWARDED TWO TO AEC/ERDA VIA COGDON-TATALOVICH LETTERS DATED DECEMBER 18, 1974, AND JANUARY 28, 1975, RESPECTIVELY, FOR 40 MG. OF PU-239 AND VARIOUS NBS STANDARD REFERENCE MATERIALS CONTAINING SMALL QUANTITIES SNM. ALL REQUESTS ARE CONSIDERED ACTIVE BY AGENCY, AND, IN FACT, INDIAN MISSION QUERIED AGENCY ONLY LAST WEEK RE THEIR STATUS.

2. AS NOTED INFCIRC/40/REV. 10, INDIANS HAVE ARRANGED TO OBTAIN IN ONLY TWO INSTANCES SOME SMALL QUANTITIES OF MATERIALS FROM UK. SALE OF 9 GRAMS 93 PERCENT ENRICHED URANIUM FROM FRANCE REPORTED IN REFERENCE NUMBER 88 OF THAT DOCUMENT IS ERROR, AND AGENCY STAFF MEMBER RESPONSIBLE FOR HANDLING THESE TRANSACTIONS NOTED THAT, IF MATERIAL IN QUESTION HAS BEEN SUPPLIED AT ALL, IT WOULD HAVE BEEN DONE ON BILATERAL BASIS. US IS ONLY OTHER SUPPLIER NOTED. (ASSUME ERDA HAS OR WILL CHECK WITH NBS AS TO WHETHER THEY ARE ESSENTIALLY SOLE SUPPLIER IN WORLD FOR SOME OF THEIR STANDARD REFERENCE MATERIALS.)

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3. AGENCY HAS NOT RPT NOT SOUGHT ASSURANCES FROM INDIA OR ANYONE ELSE (EXCEPT CURRENT CASE WITH SPAIN) THAT MATERIALS PROVIDED BY OR THROUGH AGENCY ARE NOT RPT NOT TO BE USED IN RESEARCH, DEVELOPMENT OR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICE, SINCE THIS HAS ALL BEEN WRAPPED UP IN WHOLE QUESTION OF MAKING PUBLIC ITS INTERPRETATION RE NO-MILITARY-USE UNDERTAKING IN INFCIRC/66 SAFEGUARDS AGREEMENTS AS PRECLUDING USE OF MATERIAL IN NUCLEAR EXPLOSIVE PROGRAM. AS REPORTED SEPARATELY, THIS MATTER IS NOW COMING TO HEAD IN CONNECTION WITH IAEA/SPAIN SAFEGUARDS AGREEMENT, IN CONJUNCTION WITH WHICH AGENCY AND SPAIN HAVE AGREED TO EXCHANGE LETTERS CONFIRMING THAT SPAIN'S NO-MILITARY-USES UNDERTAKING IN AGREEMENT PRECLUDES DEVELOPMENT OR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICE. FURTHER, AGENCY PLANS GO ON TO SET FORTH ITS INTERPRETATION THAT THIS APPLIES EQUALLY TO ALL INFCIRC/66 SAFEGUARDS AGREEMENTS, AND THIS EXCHANGE OF LETTERS WILL BE PUBLISHED AND CIRCULATED ALONG WITH BOARD OF GOVERNORS DOCUMENT CONTAINING TEXT OF SPAIN/IAEA SAFEGUARDS AGREEMENT, WHICH IS TO BE CONSIDERED AT FEBRUARY 25/26 BG MEETING.

4. MATTER OF US WILLINGNESS TO CONTINUE SUPPLYING THESE SMALL QUANTITIES OF SPECIAL NUCLEAR MATERIALS (OR FOR THAT MATTER, ANY NUCLEAR MATERIALS) TO INDIA THROUGH IAEA WILL UNDOUBTEDLY DEPEND IN LARGE MEASURE ON INDIAN REACTION FOLLOWING PUBLICATION OF AGENCY'S INTERPRETATION. WE DO FEEL STRONGLY, HOWEVER, THAT US MUST FULLY LIVE UP TO ITS MANY PUBLIC STATEMENTS CONCERNING QUESTION OF INTERPRETATION OF PEACERUL USES OR NO-MILITARY-USES UNDERTAKINGS IN ALL OF OUR AGREEMENTS FOR COOPERATION (INCLUDING OUR AGREEMENT FOR COOPERATION WITH IAEA) AND SAFEGUARDS AGREEMENTS TO WHICH WE ARE PARTY, AS PRECLUDING PNE'S. TO DO OTHERWISE WOULD MAKE A MOCKERY OF OUR NUCLEAR NON-PROLIFERATION POLICY. WE MAY HAVE FURTHER COMMENTS AS EVENTS UNFOLD DURING NEXT FEW WEEKS. PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUPPLIES, TECHNICAL ASSISTANCE, FISSIONABLE MATERIALS, RESEARCH & DEVELOPMENT AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975IAEAV01360
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750056-0283
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750242/aaaablwd.tel
Line Count: 96
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 027752
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 31 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 MAR 2003 by BoyleJA>; APPROVED <02 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUPPLY OF SMALL QUANTITIES OF NUCLEAR MATERIALS TO INDIA THROUGH IAEA
TAGS: TECH, PARM, PFOR, IN, US, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006